

PATENT
ATTORNEY DOCKET NO.: 040894-7170

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Masayuki MACHIDA et al.)

U.S. Application No.: 10/522,366)

Group Art Unit: Unassigned

International Appln. Filing Date: July 28, 2003)

Date of National Stage Entry: January 25, 2005)

Examiner: Unassigned

For: MARKER FOR SELECTING)
TRANSFORMANT WITH THE USE OF)
LETHAL GENE)

Commissioner of Patents
MAIL STOP PCT
Alexandria, VA 22314

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed July 25, 2005.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☒ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☒ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

☐ Applicant(s) hereby assert small entity status.

5. Fee Calculation

Basic National Stage Fee:				
\$300.00				
	Number Filed	Number Extra	at a Rate of	
Total Claims	18-20 =	0	\$50.00 each=	+\$
Independent Claims	2- 3 =	0	\$200.00 each=	+\$
Multiple dependent claim(s), if any			\$360.00	+\$360.00
Missing Requirements Surcharge Fee			\$130.00	\$130.00
Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100				\$
Application Search Fee			\$500.00	\$
Examination Fee			\$200.00	\$
SUB-TOTAL =				\$490.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	+\$130.00
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	+\$
TOTAL FILING FEE =				\$620.00

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Revised: 12/8/04

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

	<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/>	One month	\$120.00	\$60.00
<input type="checkbox"/>	Two months	\$450.00	\$225.00
<input type="checkbox"/>	Three months	\$1,020.00	\$510.00
<input type="checkbox"/>	Four months	\$1,590.00	\$795.00
<input type="checkbox"/>	Five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request:

\$_____

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is:	Completion Fees	<u>\$620.00</u>
	Assignment Fees	<u>\$40.00</u>
	Total Fee Due	<u>\$660.00</u>

- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.

- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)
- ☒ Preliminary Amendment
- ☐ PCT/IB/338 English translation of the International preliminary Examination Report
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, 5 documents as listed
- ☐ Declaration of Biological Deposit
- ☒ Submission of "Sequence Listing" in computer readable form (floppy diskette)
- ☒ Statement Accompanying Sequence Listing

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Robert J. Goodell Reg. No. 41,040

Date: September 26, 2005
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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO. 10/522,366	FIRST NAMED APPLICANT Masayuki Machida	ATTY. DOCKET NO. 040894-7170
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INTERNATIONAL APPLICATION NO.

PCT/JP03/09543

I.A. FILING DATE

PRIORITY DATE

07/28/2003

9629

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

Docketed 7/28/05 Attorney RJG
Case 40894-7170
Due Date September 25, 2005
Action Missing Requirements
By GD Date 8/1

CONFIRMATION NO. 1408

371 FORMALITIES LETTER



OC000000016603162

Date Mailed: 07/25/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/25/2005
- Copy of the International Search Report filed on 01/25/2005
- Biochemical Sequence Listing filed on 01/25/2005
- U.S. Basic National Fees filed on 01/25/2005
- Priority Documents filed on 01/25/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

RECEIVED

JUL 28 2005

MORGAN, LEWIS & BOCKIUS LLP

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/522,366	PCT/JP03/09543	040894-7170